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# Fiscal Note

*Fiscal Services Division*



**SF 326** – Judicial Officers (LSB 1281SV)

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Fiscal Note Version – New

## **Description**

**Senate File 326** permits the Chief Justice to delay the nomination of a Supreme Court Justice, Court of Appeals Judge, District Court Judge, District Associate Judge Associate Juvenile Judge, or Associate Probate Judge for budgetary reasons. The Bill also grants the Chief Justice the authority to delay the appointment of a magistrate to serve the remainder of an unexpired term, if the vacancy is due to a death, resignation, retirement, an increase in the number of positions authorized, or to the removal of a magistrate.

## **Background**

Between January 1, 2008, and December 31, 2010, a total of 31 judges have retired from the Judicial Branch. Of the 31, four were Court of Appeals Judges, 20 were District Court Judges, and seven were District Associate Judges.

As of March 3, 2011, there are currently seven Supreme Court Justices, nine Court of Appeals Judges, and 189 full-time judges (116 District Court Judges, 62 District Associate Judges, 10 Associate Juvenile Judges, and one Associate Probate Judge). Of the 189 full-time judges, there are currently three vacant judgeships in the Judicial Branch. The current unfilled judicial vacancies include one in the Court of Appeals and two District Court Judgeships in District 1B and District 7. There are 152 magistrates of which all positions are currently filled.

## **Assumptions**

- The average annual number of judicial officer vacancies is four to six.
- The total salary and benefits for a District Court Judge is \$199,000.
- The total salary and benefits for a District Associate Judge is \$183,000.

## **Fiscal Impact**

The cost savings in FY 2012 to the Judicial Branch from delaying the filling of vacant appointments could be significant, depending on the judicial officer position that is vacant and the length of time the position is vacant. The chart below shows an example of the savings if one District Court Judge and one District Associate Judge position were held open for one month as compared to holding these two positions open for one year. The savings to the Judicial Branch would range from \$32,000 to \$382,000.

	<b>Annual Salary and Benefits</b>	<b>One Month Delay</b>	<b>Three Month Delay</b>	<b>Six Month Delay</b>	<b>Twelve Month Delay</b>
District Court Judge	\$ 199,000	\$ 16,583	\$ 49,749	\$ 99,498	\$ 198,996
District Associate Judge	\$ 183,000	\$ 15,250	\$ 45,750	\$ 91,500	\$ 183,000
		<u>\$ 31,833</u>	<u>\$ 95,499</u>	<u>\$ 190,998</u>	<u>\$ 381,996</u>

**Source**

Judicial Branch

/s/ Holly M. Lyons

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March 4, 2011

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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